

REMARKS

Applicants have amended claims 49, 72, 74 and 75 so that the presently claimed invention is more clearly defined. Applicants have amended claims 49, 52, 58, 60, 72, 74, 79, 85 and 86 to remove the "and/or" phrase. Applicants have amended claims 68, 69, 70, 77 to provide consistency of terms used throughout the claims. Applicants have amended claims 73 and 87 to remove the "preferably . . ." phrases.

No new matter has been added by this amendment. Entry is believed to be proper and respectfully requested.

Upon entry of this amendment, Claims 49-88 are pending. No additional claim fee is due.

OBJECTIONS & REJECTIONS

Claim Objections

The Examiner objects to claim 69 as being in an improper dependent form because it fails to further limit the subject matter of the previous claim 49.

Applicants have deleted "cyclodextrin" from claim 49, thus, claim 69 further limits the independent claim 49 and the dependency is proper.

Withdraw of the objections are respectfully requested.

Claim Rejection under 35 USC §112

The Examiner rejects claim 50 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner suggests that the claim limitation "... wherein the oligosaccharide has a degree of polymerization from about 1 to about 15 . . ." is not supported by the specification.

Applicants respectfully point out that support for this limitation can be found on page 9, second full paragraph. Therefore, the rejection should be withdrawn.

The Examiner rejects claims 49-88 under 35 USC §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejects (1) the term "and/or"; (2) the term "essentially" in claim 49; and (3) the failure to recite any component associated with the phrase "an effective amount".

By the present amendments, the terms "and/or" "essentially" have been deleted from the claims. In line 6 of the previously presented claim 49, it was provided that the phrase "an effective amount" refers to a fabric improving active. Applicants have rephrased claim 49 to render the reference clearer.

The Examiner also rejects claim 87 for the broad/narrow ranges of limitation in the claim.

Applicants have amended claim 87 to remove the "preferably . . ." phrase.

Therefore, the above rejections of claims 49-88, 49 and 87 have been overcome. Withdraw of the rejections are respectfully requested.

The Examiner rejects claim 70 under 35 USC §112, second paragraph, as being indefinite for omitting essential elements, citing MPEP §2172.01 (entitled "Unclaimed Essential Matter").

Applicants respectfully point out that MPEP§2172.01 clearly provide that this rejection is proper when the matter disclosed to be essential to the invention is omitted from the claim. Applicants' disclosure describes that an antimicrobial active is an optional ingredient that can be selected from a group of materials, including salts of metals from groups 3b-7b, 8 and 3a-5a. Further delineations of certain metal salts are merely exemplary embodiments of antimicrobial actives suitable for use in the present invention. Applicants submit that in no way can MPEP§2172.01 be read to require applicants to include exemplary embodiments in the claims, nor does the patent law requires Applicants to include exemplary embodiments of an optional ingredient in the claims.

This rejection is improper and should be withdrawn.

Claim Rejection under 35 USC §102(e) and 103 over Trinh et al.

The Examiner rejects claims 49-51, 54-76, 78-88 under 35 USC §102(e) as being anticipated by US 6,001,343, to Trinh et al. (hereinafter referred to as "Trinh" or "the '343 patent"), and as being obvious in view of Trinh.

Applicants submit herewith a Rule 132 declaration by inventor, Toan Trinh, who is an inventor of the '343 patent as well of the present application. Mr. Trinh declares that any invention disclosed or suggested but not claimed in the '343 patent that is relevant to the present invention is part of his contribution to the present invention, so that it is not the invention of another.

Thus, the rejection is overcome. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejection under 35 USC §102(b) and §103 over Burzio et al.

The Examiner rejects claims 50, 52-53, 57-59, 64-68, 70, 74-75 under 35 USC §102(b) as being anticipated by US 5,496,494, to Burzio et al. (hereinafter referred to as "Burzio"). The Examiner states that Burzio teaches a process for decreasing the build-up of inorganic incrustations on textile derived from water hardness and due to repeated washing cycles with a washing bath comprising a non-reducing carbohydrate and/or its derivatives as co-builder. The co-builders include non-reducing di-, tri-, or oligo-saccharides and/or hydrogenated mono-, di-, oligo-saccharides. Regarding claims 71-73, Burzio teaches other ingredients, such as surfactants, alkali metal salts, neutral salts, zeolite, bleaching agents, bleach activators, etc. Burzio also discloses the amount of co-builder to be used, in combination with a zeolite based detergent, in the washing cycle to reduce the inorganic incrustation on fabrics and on washing machine components. The Examiner concludes that Burzio discloses all the material limitations of the claims of the present application, therefore, Burzio is anticipatory.

The Examiner also rejects claims 50, 52-53, 57-59, 64-68, 70, 74-75 under 35 USC §103(a) as being unpatentable over Burzio. The Examiner states that it would have been obvious to use detergent composition comprising an oligosaccharide and a cyclodextrin. The Examiner acknowledges that Burzio does not teach

the degree of polymerization of the oligosaccharide, the specific form or ratio of volatile silicone, lithium salt in a fabric care composition. Nevertheless, the Examiner considers (1) Burzio's teachings of maltitol and maltitritol is sufficient to render the claimed isomaltooligosaccharide having the specific degree of polymerization obvious; (2) Burzio's teaching of silicone as a fiber lubricant and that silicone is commonly known as surfactant are sufficient motivation for one skilled in the art to replace sodium silicate with silicone; and (3) Burzio's teaching of alkali metal salts in a fabric care composition is sufficient to render the lithium salts in the composition of the present invention obvious.

Applicants point out that Burzio is directed to a zeolite-based dry/solid detergent. Applicants submit that Burzio does not anticipate the presently claimed invention because Burzio is not directed to a detergent that is a liquid carrier based detergent.

Applicants further points out that Burzio is directed to reducing the build-up of incrustations on fabrics, specifically with zeolite-based detergent. Burzio includes co-builders, such as carbohydrates, to reduce the incrustation build up with the zeolite-based detergent (col. 1, lines 56-60). Therefore, Burzio teaches away from a composition that comprises no builders. Further, a person of ordinary skills in the art would not be motivated by Burzio to add a "co-builder" to a builder-free composition. Therefore, Applicants submit that the presently claimed invention is patentable over Burzio.

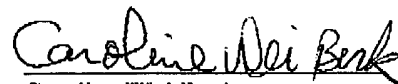
Based on the foregoing, Applicants submit that the rejections have been overcome. Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

Applicant believes the present amendment is fully responsive and places Claims 49-88 in condition for allowance.

In the event that issues remain prior to allowance of the noted claims, the Examiner is invited to call Applicant's undersigned attorney to discuss any remaining issues.

Respectfully Submitted,
FOR: Barnabas et al.



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